

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

CHARLES E. SIMMS,
Plaintiff

v.

SOCIAL SECURITY ADMINISTRATION.
et al.,

Defendants

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CIVIL ACTION NO. AW-11-1967

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MEMORANDUM OPINION

The Court is in receipt of Charles E. Simms's complaint. Plaintiff alleges that he has not received social security payments because he is incarcerated. He seeks payment of his benefits as well as damages. ECF No. 1. Plaintiff seeks leave to proceed in forma pauperis (ECF No. 2) which shall be granted.

Plaintiff is currently incarcerated at the Jessup Correctional Institution in Jessup, Maryland. Under 5 U.S.C. § 8148(b)(1), persons who are otherwise entitled to social security benefits may not receive those benefits while they are confined in jail, prison, or other penal institution or correctional facility. Moreover, there is no entitlement to receive any benefits forfeited during a period of incarceration. Accordingly, Plaintiff's complaint shall be dismissed

A separate Order follows.

Date: September 1, 2011

/s/

Alexander Williams, Jr.
United States District Judge